

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA,

Plaintiff,

v.

No. CR 12-0529 JP

VERONICA ANGUIANO,

Defendant.

MEMORANDUM OPINION AND ORDER

This matter is before the Court on Defendant's Motion for Credit for Time Served (Doc. 91) filed on June 6, 2014. Defendant seeks an order crediting her sentence for time she spent in pretrial custody. The Court will deny the motion.

First, this Court "does not have inherent authority to modify a previously imposed sentence; it may do so only pursuant to statutory authorization." *United States v. Mendoza*, 118 F.3d 707, 709 (10th Cir. 1997) (citing *United States v. Blackwell*, 81 F.3d 945, 947-48, 949 (10th Cir. 1996)); 18 U.S.C. § 3582(c). No such statutory authority is presented in Defendant's motion.

Second, even if the Court were to grant credit for prior custody against the term of imprisonment, Defendant's post-conviction custodian--the Attorney General or Bureau of Prisons ("BOP")--would not be bound by the calculation. The Attorney General, through the BOP, has the responsibility of administering a federal sentence, including computation of credit for pretrial incarceration. *See United States v. Jenkins*, 38 F.3d 1143, 1144 (10th Cir. 1994) ("only the Attorney General through the Bureau of Prisons has the power to grant sentence credit") (citing *United States v. Wilson*, 503 U.S. 329, 333, 337 (1992)). The district court in the district where Defendant is confined has jurisdiction under 28 U.S.C. § 2241 to review the computation of her sentence, after exhaustion of the BOP's administrative remedies. *See Wilson*, 503 U.S. at 335-36;

*Bennett v. United States Parole Comm'n*, 83 F.3d 324, 328 (10th Cir. 1996). Because the requested credit cannot be effectively granted, the motion will be denied.

IT IS THEREFORE ORDERED that Defendant's Motion for Credit for Time Served (Doc. 91) filed on June 6, 2014, seeking credit against her sentence for pretrial custody, is DENIED.

A handwritten signature in black ink, reading "James A. Parker". The signature is written in a cursive style with a large, looped "P" at the end.

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UNITED STATES DISTRICT JUDGE